USE OF FORCE AND DEADLY FORCE POLICY

MN STAT 626.8452

PURPOSE

It is the **Lake Shore Police Department** to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE;
POLICIES AND INSTRUCTION REQUIRED;
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;
MN STAT 609.06 AUTHORIZED USE OF FORCE;
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; AND
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS

POLICY

It is the policy of this law enforcement agency to ensure [*officers*] respect the sanctity of human life when making decisions regarding use of force. Peace officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. [*Officers*] shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the [*officer*].

[*Officers*] shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the [*officer*] at the time of the event to accomplish a legitimate law enforcement purpose.

[*Officers*] should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by [*an officer*] to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the [officer] at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when [officers] may be forced to make quick judgments about using such force.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties. This policy is to be reviewed annually. Any questions or concerns should be addressed with the immediate supervisor for clarification.

DEFINITIONS

Authorized Device: a device an [officer] has received permission from the agency to carry in the performance of their duties, and for which the [officer] has:

- obtained training in the technical, mechanical and physical aspects of the device; and
- developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

Bodily Harm: has the meaning given to it in MN Statute 609.02, subdivision 7.

Choke Hold: has the meaning given to it in MN Statute 609.06, subdivision 3(b).

Deadly Force: has the meaning given to it in MN Statute 609.066, subdivision 1.

De-escalation: acting or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent Circumstances: refers to circumstances that would lead a reasonable peace officer to believe that a particular action is immediately necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence to individuals or law enforcement's efforts.

Great Bodily Harm: has the same meaning given to it in MN Statute 609.02, subdivision 8.

Imminent: means something is ready to take place or is impending. Imminent does not mean instantaneous.

Less-lethal Force: refers to any use of force other than that which is considered deadly force that involves the physical effort to control, restrain, or overcome the resistance of another person.

Objectively Reasonable: means the use and level of force used by a peace officer, given the totality of the circumstances and information known by the peace officer at the time the force was used, is in alignment with what any other reasonable and prudent peace officer would do in the same or similar situation. Objective reasonableness is not evaluated using hindsight.

Totality of the Circumstances: refers to all the facts and circumstances known to a peace officer at the time, taken as a whole, when a use of force determination is made. This includes the conduct of the peace officer and subject leading up to any use of force.

PROCEDURE

An [*officer*] shall use de-escalation techniques and other alternatives to force consistent with their training whenever possible and appropriate before resorting to force. Whenever possible and when such delay will not compromise the safety of another or the [officer] and will not result in the destruction of evidence, escape of a suspect, or the commission of a crime, an [*officer*] shall allow an individual time and opportunity to submit to verbal commands before force is used.

In general, when using force, [*officers*] should consider or ensure the following:

- Use of physical force should be discontinued when resistance ceases or when the incident is under control.
- Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the [*officer*], or another person. In these situations, only the amount of force necessary to control the situation shall be used.
- Once the scene is safe and as soon as practical, [*an officer*] shall provide appropriate medical care, consistent with his or her training, to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

Except in cases where deadly force is authorized as articulated in MN Statute 609.066 to protect the peace officer or another from death or great bodily harm, [*officers*] are prohibited from:

- using chokeholds,
- tying all of a person's limbs together behind their back to render the person immobile (i.e., a hog tie), or
- securing a person in any way that results in transporting the person face down in a vehicle.

All uses of force shall be documented and investigated pursuant to this agency's policies.

LESS-LETHAL FORCE

When de-escalation techniques are not effective or appropriate, [*an officer*] may consider the use of force to control a non-compliant or actively resistant individual. An [officer] is authorized to use agency-approved force techniques and equipment in the following circumstances:

- effecting a lawful arrest,
- executing a legal process,
- enforcing an order of the court,
- executing any other duty imposed upon the peace officer by law, and/or
- defending oneself or another.

DEADLY FORCE

[*An officer*] is authorized to use deadly force if an objectively reasonable [*officer*] would believe, based on the totality of the circumstances known to the [*officer*] at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply:

- To protect the peace officer or another from death or great bodily harm, provided that the threat:
  - can be articulated with specificity,
  - is reasonably likely to occur absent action by the law enforcement officer, and
  - must be addressed through the use of deadly force without unreasonable delay; or
- To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the peace officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria listed above unless immediately apprehended.

[*An officer*] shall not use deadly force against a person based on the danger the person poses to themselves if an objectively reasonable [*officer*] would believe, based on the totality of the circumstances, that the person does not pose a threat of death or great bodily harm to the peace officer or another.

When feasible, the [*officer*] shall identify themselves as a law enforcement officer and warn of their intent to use deadly force.

DUTY TO INTERCEDE AND REPORT

Regardless of tenure or rank, a peace officer shall intercede when 1) they are present and observe another peace officer use force in violation of MN Statute 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances and 2) they are physically or verbally able.

A peace officer who observes another peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting [*officer*]. This report shall be made even if the peace officer observed using excessive force is not employed by this agency.

TRAINING

All [*officers*] shall receive training, at least annually, on this agency's use of force policy and related legal updates. Throughout the year, this agency will provide its [*officers*] de-

escalation, simulation, and scenario-based training focused on use of force to aid [*officers*] in use of force situations and determinations.

Before being authorized to carry a firearm, all [*officers*] shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and state statutes with regard to such force. Such training and instruction shall continue on an annual basis.

Before carrying an authorized device, all [*officers*] shall receive training and instruction on the use of the device including training as it relates to use of force situations. Such training and instruction shall continue on an annual basis. [*Officers*] shall only carry and use authorized devices unless circumstances exist, which pose an immediate threat to the safety of the public or the [*officer*] that justify the use of a device or object, that has not been previously authorized, to counter such a threat. With agency approval, [*officers*] may modify, alter, or cause to be altered an authorized device in their possession or control.

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

STATUTORY REFERENCES

- MN STATUTE 609.02 – Definitions
- MN STATUTE 609.06 – Authorized Use of Force
- MN STATUTE 609.065 – Justifiable Taking of Life
- MN STATUTE 609.066 – Authorized Use of Force by Peace Officers
- MN STATUTE 626.5534 – Use of Force Reporting; Independent Investigations Required
- MN STATUTE 626.8452 – Deadly Force and Firearms Use; Policies and Instruction Required
- MN STATUTE 626.8475 – Duty to Intercede and Report
- ADMINISTRATIVE RULE 6700.1610 – Reporting Obligations and Cooperation
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies